

REMARKS

Claims 1-35 remain pending in this application.

In the Office Action dated November 24, 2003, the Examiner objects to the declaration filed on January 5, 1999. Applicant respectfully argues that this declaration was filed at the time of filing of the patent application, which is noted on page 1 of the declaration shown by the "X" mark that indicates that the Specification "is attached hereto." Since the declaration was filed at the same time as the patent application, neither a serial number nor filing date were required, nor was this information available at that time. Accordingly, Applicant respectfully requests the Examiner to withdraw his objection to the oath or declaration.

The Examiner rejected claims 1-2, 9, 23-24, 31-32 and 34 under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 5,802,305 (*McKaughan*) in view of U.S. Patent No. 5,905,906 (*Goffinet*). Applicant respectfully traverses this rejection.

Contrary to Examiner's assertions in the Office Action dated May 10, 2004, Applicants respectfully assert that *McKaughlin* does not disclose all of the elements of claim 1 of the present invention and *Goffinet* does not make up for the deficit of *McKaughlin*. For example, in the Office Action dated May 10, 2004, the Examiner argued that *McKaughlin* does not disclose detecting a size of the received set of data signals; and that the Examiner uses *Goffinet* to make obvious, this particular element. The Examiner cites column 16, lines 17-19 to illustrate that data validation performed by *Goffinet* includes data size checking to detect whether or not the proper number of bytes have been received for this particular packet. However, one of ordinary skill in the art would not combine disclosure by *Goffinet* with *McKaughlin* to make obvious all

of the elements of claim 1. For example, *Goffinet* is directed to a network system for communications between a computer and multiple printers. The flowchart provided in Figure 7 calls for the logical steps that the laser printer performs to facilitate communication. In order to print, the laser printer determines if the received data packet is of the correct length. See, column 16, lines 6-22 of *Goffinet*. In contrast, *McKaughlin* is directed to a sleep mode in a power down state. Without improper hindsight, one of ordinary skill in the art would not merely combine an obscure data size checking feature taught in a printer-communication disclosure (i.e., *Goffinet*) with the computer in a power down state taught by *McKaughlin*. Using the disclosure of *Goffinet* for the purpose stated by the Examiner is merely using improper hindsight reasoning in an attempt to make obvious the missing element from the primary referenced prior art. Therefore, Applicants respectfully assert one of ordinary skill in the art would not be motivated to combine a disclosure of *McKaughlin* and *Goffinet* to disclose or make obvious all of the elements of claim 1. Applicants respectfully assert that the Examiner does not provide evidence to the contrary.

Additionally, the mere disclosure of data size checking disclosed by *Goffinet* would not lead one of ordinary skill in the art having benefit of *McKaughlin* would still not make obvious the element of detecting a size of the received set of data signals of claim 1. *Goffinet* checks the data size to determine whether the proper number of bytes has been received for proper printing. In contrast, claim 1 calls for the detecting the size of the received set of data signals is performed in the context of waking up a host circuitry from a sleep mode. One skill in the art would not randomly connect the printer data reception (see *Goffinet*) with sleep mode disclosure of (see *McKaughlin*) to somehow make obvious data size detection when performing a wake-up of a

host circuitry. Therefore, the combination of *McKaughlin* and *Goffinet* does not disclose or make obvious all of the elements of claim 1.

The Examiner asserted that *McKaughan* discloses the elements called for by claim 1, including the element of detecting a size of a received set of data signals. The Examiner refers to Figure 4 and col. 8, lines 45-64, to support such an assertion. Applicant respectfully asserts that neither the cited portion of *McKaughan*, nor any other part of *McKaughan*, disclose detecting the size of the received set of data signals in the context of determining whether the received data signal should be received by the host circuit and waking up the whole circuitry as called for by claim 1 of the present invention. Figure 4 merely filters the incoming packet and compares the resulting filtered incoming packet to the corresponding packet in a list stored on a network interface card; and then makes the decision whether to wake up the computer or not. See Figure 4 and col. 8, lines 45-47, col. 9, lines 3-13. *McKaughan* does not disclose detecting the size of the received set of signals when determining whether to wake up the computer, which is an element called for by claim 1.

McKaughan refers to a computer network that contains a plurality of interconnected computers, wherein a network interface card of sleeping computers detects an incoming packet and compares the incoming packet to a list of packets stored on the network interface cards. *McKaughan* then compares the received packet to a list of packets on the card and provides a wake-up sequence of a remote computer (column 6, lines 43-64). However, *McKaughan* does not disclose detecting the size of the received set of data signals as called for by claim 1 of the present invention.

The Examiner also cited U.S. Patent No. 4,516,201 (*Warren*) and U.S. Patent No. 4,130,874 (*Pai*) to provide various missing elements. However, neither *Warren* nor *Pai* disclose or make obvious the step of detecting the size of the received data signal in the context of decoding the received set of data signals and waking up a host circuitry. Therefore, neither *Warren* nor *Pai* disclose or make obvious the missing elements that are not disclosed by *McKaughan*, but are called for by claim 1 of the present invention. The discussion of *Warren* and *Pai* are provided in greater detail below.

Additionally, method claim 32, which also calls for detecting the size of the received data signal, is allowable since all of its elements are not anticipated by *McKaughan*. Therefore, claim 32 is allowable. Additionally, claims 10, 23, and 34, which call for various apparatuses for detecting the size of the received data signal, are also allowable since *McKaughan* does not disclose such an element. Therefore, claims 10, 23, and 34 are also allowable for at least the reasons cited above.

Independent claims 1, 23, 32, and 34, are allowable for at least the reasons cited above. Additionally, dependent claims 2, 9, 24, and 31, which depend from independent claims 1, 23, 32, and 34, are also allowable for at least the reasons cited above.

The Examiner rejected claims 3-6, 8, 10-18, 20-22, 25-28, 30, 33, and 35, under 35 U.S.C. § 103(a) as being unpatentable over *McKaughan* in view of U.S. Patent No. 5,905,906 (*Goffinet*) and U.S. Patent No. 4,516,201 (*Warren*) and further in view of U.S. Patent No. 4,130,874 (*Pai*). Applicant respectfully traverses this rejection.

Applicants respectfully assert that even with the use of *Goffinet*, the combination of *McKaughlin*, *Warren* and *Pai* would still not disclose all of the elements of claims of the present invention. As disclosed above, the mere recital of checking a data size for printer communications does not make obvious the checking of the data size during a wake-up sequence, as called for by the claims of the present invention. For this reason, the addition of *McKaughlin*, *Goffinet*, *Warren* and *Pai*. The deficit of *McKaughlin* and *Goffinet*, is not made up for by *Warren* and *Pai*. For example, *Warren* discloses a host 12 that passes data transmitted by a data link 14, which is examined by a controller 10. See col. 6, lines 25-36. However, the system disclosed by *Warren* does not check for the size of the data signals; it merely converts the received signal from parallel to a serial format. See col. 6, lines 25-36. *Warren* merely discloses a link 14 that presents the serial string as parallel words to the host 12. See col. 6, lines 37-48. *Warren* discloses status information regarding the data link 14 being provided to the host 12 to take action, however *Warren* does not disclose any status information regarding the size of the received data signal as called for by the claims of the present invention.

The only reference to memory size in *Warren* relates to the limitation of the host system. *Warren* discloses that the host system may be joined via the controller where memory size, data handling capacity, or speed limitations would otherwise preclude their joining to a data link 14. See col. 7, lines 7-17. However, this does not relate to receiving data signals and detecting the size of the received signals and performing the coding and various other steps for waking up a host circuitry as called for by the claims of the present invention.

Warren does not disclose a wake-up sequence called for by the claims of the present invention. *Warren* is generally directed towards the data communication link such as a modem

providing a queue for data in a controller. This is vastly different from the disclosure of *McKaughan*, which is directed towards a wake-up sequence. Therefore, without impermissible hindsight, one of ordinary skill in the art would not combine the disclosure of *McKaughan* and *Warren* to make obvious any of the claims of the present invention. Therefore, it would be improper hindsight to combine the teachings of *Warren* with *McKaughan* to make obvious any claim of the present invention. However, even if *McKaughan*, *Goffinet*, and *Warren* were combined, as described above, the deficits of *McKaughan* are not made up for by *Warren*; including the fact that neither *McKaughan*, *Warren*, nor their combination disclose or make obvious detecting the size of the received set of data signals in the context of decoding the receiving signals, and waking up the host circuitry from a sleep mode, as called for by the claims of the present invention.

The inclusion of *Pai* to the disclosure of *McKaughan*, *Goffinet*, and/or *Warren* still would not disclose or make obvious all of the elements of the claims of the present invention. *Pai* provides a load management terminal for remote electrical utility customer locations relating to power line communication systems. Applicant respectfully asserts that the disclosure of *Pai* is non-analogous art to *McKaughan*, *Goffinet*, and *Warren*. *Pai* is directed towards a load management terminal, whereas *McKaughan* is directed towards a wake-up sequence and, *Goffinet* is directed to printer communications. Therefore, without impermissible hindsight, one of ordinary skill in the art would not combine the disclosure of *McKaughan*, *Goffinet*, and *Pai* and/or *Warren* to make obvious any of the claims of the present invention. Therefore, one of ordinary skill would not combine any of the subject matter disclosed by *Pai*, with *Warren*, *Goffinet*, and/or *McKaughan* without improper and impermissible hindsight.

Additionally, even if *Pai* were to be combined with the disclosure of *McKaughan*, *Goffinet*, and/or *Warren*, all of the elements of the claims of the present invention would not be disclosed or made obvious. The Examiner cites *Pai* to provide for the plurality of comparing called for by the claims of the present invention. However, Applicant respectfully asserts that even if multiple comparators disclosed by *Pai* were to be combined with *McKaughan*, *Goffinet*, and/or *Warren*, all of the elements of the claims would not be taught, disclosed or suggested. *Pai* discloses a plural address recognition circuit that may utilize three address logic comparators, but these comparators are used in a different context than as called for by the claims of the present invention. *Pai* does not, for example, disclose a size detection of the data signals that are called for by claims of the present invention. Therefore, combining *Pai* with the disclosure of *Warren*, *Goffinet*, and/or *McKaughan* would still not result in disclosing or making obvious all of the elements of any of the claims of the present invention. Therefore, claims 3-6, 8, 10-18, 20-22, 25-28, 30, 33, and 35, are not taught, disclosed, or made obvious by *McKaughan*, *Goffinet*, *Warren*, *Pai*, or their combinations. Accordingly, claims 3-6, 8, 10-18, 20-22, 25-28, 30, 33, and 35, under 35 are allowable for at least the reasons cited above.

Applicant acknowledges and appreciates that the Examiner indicated that claims 7, 19, and 29 contain allowable subject matter. Applicant respectfully asserts that in light of the amendments and arguments provided by Applicant throughout the prosecution of the present application, all claims of the present application are now allowable.

Reconsideration of the present application is respectfully requested.

In light of the arguments presented above, Applicant respectfully asserts that claims 1-35 are allowable. In light of the arguments presented above, a Notice of Allowance is respectfully solicited.


If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Houston, Texas telephone number (713) 934-4069 to discuss the steps necessary for placing the application in condition for

Respectfully submitted,

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